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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,595	01/22/2002	Andrew S. Nielsen	10017207-1	7005

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,595

Applicant(s)

NIELSEN, ANDREW S.

Examiner

Maikhanh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

AB

DETAILED ACTION

1. This action is responsive to communications: Restriction Requirement filed 02/23/2005 to the original application filed 01/22/2002
2. Claims 1-16 are elected for examination. Claims 17-20 are withdrawn from consideration. Claims 1, 8, and 15 are independent claims.
3. Applicant is required to cancel non-elected claims 17-20 in the next response to this Office Action.

Claim Objections

4. Claims 4-5, 12, and 14 are objected to because of the following informalities: the terms "XML" (claims 4-5, and 12), "DOM" (claim 12) and "UDDI" (claim 14) are used in these claims should be defined. Appropriate correction is required.

Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

6. Claims 1-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dodrill et al.** (U.S. 6,578,000 – filed 04/2000).

As to independent claim 15:

Dodrill teaches a method for testing a Web server (*test the input changes ... by application server; col.4, lines 61-63*) comprising the steps of:

- (i) generating a test suite file written in a markup language that includes at least one injection tag (*generating a hypertext markup language document that specifies a form ... specifying an application parameter; col.4, lines 13-38 / generates dynamic HTML pages having XML tags; col.8, lines 25-28 & col.10, lines 34-38*);
and
- (ii) at run-time receiving data that is unavailable when the test suite file is generated and modifying a representation of the test suite file with the received data (*input or modify application parameters for the corresponding XML document ... application are executed by the application server based on runtime parsing of the XML document ... validate the inputs supplied to the HTML form; col.3, line 60-col.4, line 13 & create or modify the XML document by inserting the input application parameters as XML tag data in accordance with XML tags; col.7, lines 61-67*).

As to dependent claim 16:

Dodrill teaches using the received data in another portion of the test suite file (*col.11, lines 37-57*).

As to independent claim 1:

- a. The rejection of independent claim 15 above is incorporated substantially similar subject matter. Additionally, Dodrill further teaches providing an insertion tag for use in the markup language document (*inserting the input application parameters as XML tag data in accordance with XML tags; col.7, lines 61-67*); wherein the insertion tag specifies a location in the mark-up language document (*XML tag data the specify application parameters into entry fields of an HTML-based form; col.7, lines 50-52*).

As to dependent claim 2:

Dodrill teaches injecting the received data in the mark-up language document at the location specified by the insertion tags (*col.7, lines 50-67*).

As to dependent claim 3:

Dodrill teaches using the received data in another portion of the mark-up language document (*col.11, lines 37-57*).

As to dependent claim 4:

Dodrill teaches the mark-up language document is an XML document (*XML document; Abstract*).

As to dependent claim 5:

Dodrill teaches the XML document is an XML test suite file (*col.4, lines 61-63 and col.11, line 65-col.12, line 2*).

As to dependent claim 6:

Dodrill parsing the mark-up language document to generate a representation thereof (*col.4, lines 4-12*); and modifying the representation with the received data (*col.5, lines 4-13*).

As to dependent claim 7:

Dodrill teaches creating a new node that includes the received data (*Fig.3, element 88*); adding the new node to the representation (*col.12, lines 48-52*); and removing the insertion tag from the representation (*col.12, lines 26-52*).

As to independent claim 8:

The rejection of independent claim 1 above is incorporated substantially similar subject matter. Additionally, Dodrill further teaches a tree structure (*col.7, lines 41-46 & Fig.4*)

As to dependent claim 9:

Dodrill teaches creating an actual response node; populating the actual response node with information from the response; adding the actual response node to the representation of the mark-up language document (*col.7, lines 41-67*).

As to dependent claim 10:

Dodrill teaches receiving information from a response during run-time (*receiving the form from the Web browser ... applications are executed by the application server based on runtime; col.4, lines 1-12*).

As to dependent claim 11:

Dodrill teaches injecting the received information into an internal representation of a mark-up document (*col.4, lines 1-12 & col.7, lines 41-67*).

As to dependent claim 12:

Dodrill teaches the internal representation is an XML tree (*col.7, lines 41-46 & Fig.4*).

As to dependent claim 13:

Dodrill the injected information is subsequently utilized during run-time as one of a part of a call and a part of a request (*col.4, lines 1-12*).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dodrill** in view of **Applicant Admitted Prior Art (APA)**.

As to dependent claim 14:

- a. Dodrill teaches does not specifically teaches “the request is a save request in UDDI.”
- b. APA teaches the request is a save request UDDI in (*UDDI; page 3, lines 8-17*).
- c. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of APA and Dodrill because it would provided the capability for enabling the modification of existing application parameters of a voice-enabled web application, or the additional of new application parameters, without effecting unmodified application parameters.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Nussbaum et al.	U.S. Patent No. 6,779,154	issued: Aug 17, 2004
Prologo et al.	U.S. Patent No. 6,823,478	issued: Nov. 23, 2004
Mason	U.S. Patent No. 6,826,716	issued: Nov. 30, 2004
Zhang et al.	U.S. Publication 2003/0055936 A1	Pub. Date: Mar. 20, 2003

"The Complete Testing Solution for E-business", Mercury Interactive,
www,merc-int.com, 01/1999, 4 pages.

Miki Magyar, " Automating Software Documentation: A Case Study", IEEE, 2000,
pages: 549-558.

Ernest J. Friedman-Hill, " Software Verification and Functional Testing with XML
Documentation", IEEE, 2001, pages: 1-8.

Test and Measurement", <http://www.testandmeasurement.com>, 10/16/2000, pages 1-9.

9. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-
4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30
pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is
assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
6/22/2005